

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SAM KIRSCH,
Plaintiff

v.

**CITY OF AUSTIN, ROLAN
ROMAN RAST,**
Defendants

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No. A-20-CV-01113-RP

ORDER

Before the Court is Motion to Compel and for Protective Order, Dkt. 41, and Opposed Motion to Preserve Confidentiality Designations, Dkt. 50. The District Court referred the motions for disposition pursuant to Rule CV-72, Appendix C of the Local Rules of the United States District Court for the Western District of Texas, and 28 U.S.C. § 636(b)(1)(A). The Court previously set these motions to be heard in person on Friday, September 9, 2022, at 2:00 p.m. Dkt. 64. The Court has since determined that an electronic hearing via Zoom will suffice. The courtroom deputy will forward the Zoom login information prior to Friday's hearing.

The Court is in receipt of the parties' Joint Advisory, Dkt. 66. Based on the representations in that filing, the Court understands the substance of the City's Motion to Compel, Dkt. 41, to be resolved between the parties. As for the remaining issues in the City's Motion to Preserve Confidentiality Designations, Dkt. 50, the Court asks that the parties be prepared to address at the hearing the applicability of the Court's ruling on a similar issue in *Gallagher v. City of Austin*, 1:20-CV-901-RP.

In that case, the Court granted the City's motion in what appear to be very similar circumstances. *Id.*, Dkt. 82. The parties' briefing on that motion can be found at docket entries 66, 70, 74, and 79. Unless Plaintiff can meaningfully distinguish the arguments in that case, the Court is inclined to reach the same result here.

Based on the narrowing of the issues remaining to be resolved, the Court has determined that the hearing can be completed within one hour, with each side afforded up to 30 minutes to make its arguments.

The parties, therefore, are **ORDERED TO APPEAR** for a Zoom hearing (login information to follow) before the undersigned on Friday, September 9, 2022, at 2:00 p.m. The hearing will last no more than one hour with each side afforded 30 minutes to make its arguments.

The parties are advised and hereby placed on notice that the undersigned may award expenses against any party that is uncooperative in discovery. *See* Fed. R. Civ. P. 37(a)(5).

SIGNED September 7, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATGE JUDGE